

AMENDED IN ASSEMBLY APRIL 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 170**

**Introduced by Assembly Member Reyes**

January 23, 2003

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~~An act to amend Section 2732.1 of the Business and Professions Code, relating to nursing. An act to add Sections 65302.1 and 65302.4 to the Government Code, relating to local planning.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 170, as amended, Reyes. ~~Nursing: interim permits~~ Air quality element: San Joaquin Valley.

*Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries that bears relation to its planning. The law requires the plan to include a specified land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, and other categories of public and private uses of land.*

*This bill would require a planning agency to prepare, and the legislative body to adopt, a separate air quality element or amend other general plan elements to include comprehensive goals, policies, and implementation strategies to improve air quality during the next major update to the general plan or within 5 years, whichever is sooner, as specified, if the city or county is within the jurisdictional boundaries of the San Joaquin Valley Air Pollution Control District (SJVAPCD).*

*The bill would require cities and counties that have adopted air quality elements or have addressed air quality in other general plan elements in the previous 5 years to prepare a specified report to the SJVAPCD and to present it to the public at a regularly scheduled meeting. The bill would also require cities and counties that have adopted air quality elements or their equivalent in other plan elements in excess of 5 years from the effective date of this bill to update the air quality element, as specified. By increasing the duties of local officials, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law, the Nursing Practice Act, provides for the licensure and regulation of registered nurses by the Board of Registered Nursing. The act authorizes the board to issue an interim permit to a person whose application for licensure has been approved, allowing the applicant to practice nursing pending the results of his or her examination. Under existing law, if the applicant fails the licensing examination, his or her interim permit is terminated.~~

~~This bill would revise these provisions to allow an applicant who has failed the examination to continue practicing nursing under the interim permit, if he or she applies for the next scheduled examination.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1. — Section 2732.1 of the Business and Professions~~
- 2     ~~SECTION 1. Section 65302.1 is added to the Government~~
- 3     ~~Code, to read:~~
- 4     ~~65302.1. The Legislature finds and declares all of the~~
- 5     ~~following:~~
- 6     ~~(a) The San Joaquin Valley has a serious air pollution problem~~
- 7     ~~that will take the cooperation of land use and transportation~~
- 8     ~~planning agencies, transit operators, the development community,~~
- 9     ~~the San Joaquin Valley Air Pollution Control District (SJVAPCD)~~
- 10    ~~and the public to solve. The solution to the problem requires~~

1 *changes in the way we have traditionally built our communities*  
2 *and constructed the transportation systems. It involves a*  
3 *fundamental shift in priorities from emphasis on mobility for the*  
4 *occupants of private automobiles to a multimodal system that more*  
5 *efficiently uses scarce resources. It requires a change in attitude*  
6 *from the public to support development patterns and*  
7 *transportation systems different from the status quo.*

8 *(b) The SJVAPCD has prepared and distributed a document*  
9 *entitled, Air Quality Guidelines for General Plans. This is a*  
10 *comprehensive guidance document and resource for cities and*  
11 *counties to use to address air quality in their general plans. It*  
12 *includes goals, policies, and programs that when adopted in a*  
13 *general plan will reduce vehicle trips and miles traveled and*  
14 *improve air quality.*

15 *(c) Air quality guideline strategies are a commitment to do all*  
16 *of the following:*

17 *(1) Determine and mitigate project level and cumulative air*  
18 *quality impacts under the California Environmental Quality Act*  
19 *(CEQA).*

20 *(2) Integrate land use plans, transportation plans, and air*  
21 *quality plans.*

22 *(3) Plan land uses in ways that support a multimodal*  
23 *transportation system.*

24 *(4) Local action to support programs that reduce congestion*  
25 *and vehicle trips.*

26 *(5) Plan land uses to minimize exposure to toxic air pollutant*  
27 *emissions from industrial and other sources.*

28 *(6) Reduce particulate matter emissions from sources under*  
29 *local jurisdiction.*

30 *(7) Support SJVAPCD and public utility programs to reduce*  
31 *emissions from energy consumption and area sources.*

32 *(d) Benefits from implementing an air quality element include,*  
33 *but are not limited to, all of the following:*

34 *(1) Lower infrastructure costs.*

35 *(2) Lower public service costs.*

36 *(3) More efficient transit service.*

37 *(4) Lower costs for comprehensive planning.*

38 *(5) Streamlining of the permit process.*

39 *(6) Improved mobility for the elderly and children.*

1 SEC. 2. Section 65302.4 is added to the Government Code, to  
2 read:

3 65302.4. (a) A planning agency within the jurisdictional  
4 boundaries of the San Joaquin Valley Air Pollution Control  
5 District (SJVAPCD) shall prepare, and the legislative body shall  
6 adopt, a separate air quality element or shall amend other general  
7 plan elements to include comprehensive goals, policies, and  
8 implementation strategies to improve air quality during the next  
9 major update to the general plan or within five years, whichever  
10 is sooner.

11 (b) Those cities and counties that have adopted air quality  
12 elements or that have addressed air quality in other general plan  
13 elements in the previous five years shall prepare a report listing the  
14 air quality goals and policies adopted by the jurisdiction, and  
15 progress in implementing those goals and policies. This report  
16 shall be provided to the SJVAPCD for review and shall be  
17 presented to the public at a regularly scheduled or special city  
18 council or board of supervisors meeting.

19 (c) Those cities and counties that have adopted air quality  
20 elements or their equivalent in other plan elements in excess of five  
21 years from the effective date of this section shall update the element  
22 or equivalent during the next major general plan update or within  
23 five years, whichever is sooner.

24 (d) Air quality elements or their equivalent shall include, but  
25 not be limited to, all of the following:

26 (1) A comprehensive set of goals, policies, and implementation  
27 strategies that improve air quality by all of the actions listed in  
28 subdivision (c) of Section 65302.1.

29 (2) A report describing local air quality conditions including  
30 air quality monitoring data, emission inventories, lists of  
31 significant source categories, attainment status and designations,  
32 and applicable state and federal air quality plans and  
33 transportation plans.

34 (3) A summary of local, SJVAPCD, state, and federal policies,  
35 programs, and regulations that will improve air quality in the city  
36 or county.

37 (e) Prior to action by the legislative body to adopt the air  
38 quality element, the planning agency shall submit the proposed  
39 draft of the element to the SJVAPCD, and the district shall have at

1 *least 45 days after receipt of the draft to comment unless a longer*  
2 *period is deemed necessary by the planning agency.*

3 *SEC. 3. No reimbursement is required by this act pursuant to*  
4 *Section 6 of Article XIII B of the California Constitution because*  
5 *a local agency or school district has the authority to levy service*  
6 *charges, fees, or assessments sufficient to pay for the program or*  
7 *level of service mandated by this act, within the meaning of Section*  
8 *17556 of the Government Code.*

9 ~~Code is amended to read:~~

10 ~~2732.1. (a) An applicant for license by examination shall~~  
11 ~~submit a written application in the form prescribed by the board.~~

12 ~~Upon approval of the application, the board may issue an~~  
13 ~~interim permit authorizing the applicant to practice nursing.~~

14 ~~If the applicant passes the examination, the interim permit shall~~  
15 ~~remain in effect until a regular renewable license is issued by the~~  
16 ~~board. If the applicant fails the examination, the interim permit~~  
17 ~~shall remain in effect if the applicant submits a written application~~  
18 ~~to take the next scheduled examination.~~

19 ~~(b) The board upon written application may issue a license~~  
20 ~~without examination to any applicant who is licensed or registered~~  
21 ~~as a nurse in a state, district, or territory of the United States or~~  
22 ~~Canada having, in the opinion of the board, requirements for~~  
23 ~~licensing or registration equal to or higher than those in California~~  
24 ~~at the time the application is filed with the Board of Registered~~  
25 ~~Nursing, if he or she has passed an examination for the license or~~  
26 ~~registration that is, in the board's opinion, comparable to the~~  
27 ~~board's examination, and if he or she meets all the other~~  
28 ~~requirements set forth in Section 2736.~~

29 ~~(c) Each application shall be accompanied by the fee~~  
30 ~~prescribed by this chapter for the filing of an application for a~~  
31 ~~regular renewable license.~~

32 ~~The interim permit shall terminate upon notice thereof by~~  
33 ~~first-class mail, if it is issued by mistake or if the application for~~  
34 ~~permanent licensure is denied.~~